



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,308	11/14/2003	W. Kenneth Menke	54071-42881	1211

21888 7590 11/23/2005

THOMPSON COBURN, LLP
ONE US BANK PLAZA
SUITE 3500
ST LOUIS, MO 63101

EXAMINER

REHM, ADAM C

ART UNIT PAPER NUMBER

2875

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/713,308	Applicant(s) MENKE, W. KENNETH	
	Examiner Adam C. Rehm	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/2/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,4-6 and 8-13 is/are allowed.
- 6) ☒ Claim(s) 7 and 14-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The revised drawings were received on 9/2/2005. These drawings are accepted.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 14-18 are rejected under 35 U.S.C. 102(a) as being anticipated by STOPA ET AL. (US 6,641,284), which teaches a support casing (100, FIG. 1) having a rear wall (50) with a plurality of pairs of posts projecting outwardly from the rear wall (52, pre-assembly in FIG. 1 and post-assembly in FIG. 6); and, a plurality of electronic circuit members (a plurality of circuit members are illustrated in FIGS. 1 and 9a), each electronic circuit member having a light (42), and each electronic circuit member being removably mounted on the rear wall by engaging between a pair of posts (FIG. 1); the rear wall being a heat sink (50, Column 4, Lines 61-65); each light being a light emitting diode (42, Column 4, Lines 61-65); the plurality of electronic circuit members being electronically connected in series (illustrated in FIGS. 1 and 9a); a plurality of optics (14 and 30 in FIG. 1) with each light having an optic positioned adjacent the light (FIGS. 1 and 4).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2875

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by DART ET AL. (US 4,124,880), which discloses a support casing (10, FIG. 1) having a pair of walls with a spacing between the walls (separated wall sections, 42, FIGS. 3 and 4) and a forward edge with a notch in the forward edge (separated wall sections with notches shown in central portions thereof, 42, FIGS. 3 and 4); a signal light optic (100, FIGS. 1 and 2) positioned in the spacing between the pair of walls (FIGS. 2 and 4) and engaging with both of the pair of walls (FIG. 2) via an exterior surface with portions of the exterior surface engaging in the notches in the pair of walls (FIG 2 illustrates optic 100 engaging the walls and notches thereof); and a spring brace (103, FIGS. 1 and 2) removably attached to at least one of the pair of walls and engaging with the signal light optic (Column 4, Lines 29-31, FIGS. 1 and 2), the spring brace removably holding the signal light optic in engagement with both of the pair of walls (Column 4, Lines 29-31, FIGS. 1 and 2).

Allowable Subject Matter

4. Claims 2, 4-6 and 8-13 are allowed.

5. Claims 19-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

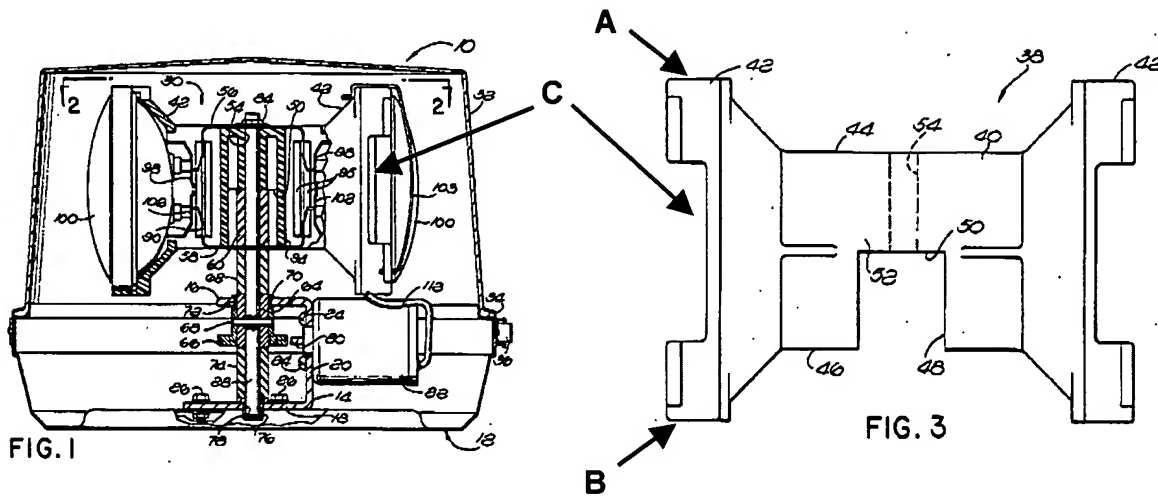
6. The following is a statement of reasons for the indication of allowable subject matter:

- Claims 2 and 4-6 incorporate a signal light optic having a concavity with an interior volume and a spring brace having projections that project into the concavity interior volume, not disclosed by the prior art of record.
- Claim 8 incorporates a signal light optic and elements thereof including a plurality of spring braces that are removable attached to at least one of pair of walls and engages one of a plurality of signal light optics to removably hold the optic in engagement with the pair of walls.
- Claims 9-13 incorporate a signal light optic and elements thereof including a pair of walls and a spring brace removably attached to at least one of a pair of walls and engaging the signal light optic and holding the optic in engagement therewith and an electronic circuit member on a rear wall.
- Claims 19-21 incorporate a signal light and elements thereof including an optic and a pair of sidewalls with the optics positioned in a spacing between the walls.

Response to Arguments

7. Regarding Claim 7, Applicant argues that DART does not disclose a pair of walls having a forward edge, and a signal light optic engaging in notches in the pair of walls. However, DART discloses a pair of walls (Ref. A and B, Figs. 1 and 3 below) with a spacing between the walls and a forward edge with a notch in the forward edge (Ref. C, Figs. 1 and 3 below); a signal light optic (100, Fig. 1) positioned in the spacing between the pair of walls and engaging with both of the pair of walls (Fig. 1) via an exterior surface with portions of the exterior surface engaging in the notches in the pair of walls

(FIG 1 illustrates optic (100) engaging the walls (Ref. A and B) and notches thereof (Ref. C, Figs. 1 and 3 below)).



8. Regarding Claims 8-13, Applicant's arguments, filed 9/2/2005, have been fully considered and are persuasive. The rejections have been withdrawn.

9. Regarding Claims 14-18, Applicant argues that STOPA does not disclose or suggest a plurality of electronic circuit members. Notably, the term "electronic circuit member" can be anything that is a member of a circuit. As indicated in the prior Office Action, Figs. 1 and 9a illustrate a circuit with a number of circuit members. Specifically, there are a plurality of LEDs (42) illustrated in Fig. 1 and Fig. 9a illustrates a single LED and a plurality of circuit member components thereof. It is the Examiner's position that a plurality of circuit members are necessary in any working circuit in order to provide a path for electrical current to flow. The rejection of Claims 14-18 is maintained.

10. Regarding Claims 19-21, Applicant's arguments filed 9/2/2005 have been fully considered and are persuasive. The rejection of the claims has been withdrawn.

However, the claims are objected to as being dependent upon a rejected base claim,

but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Correspondence

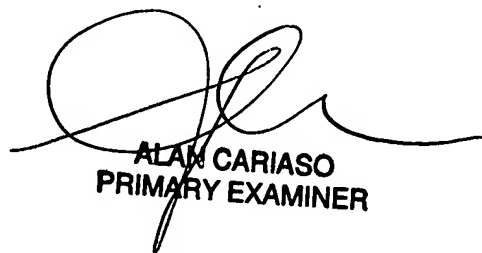
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Rehm whose telephone number is 571.272.8589. The examiner can normally be reached on M-F 9-5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571.272.2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACR
11/19/2005



ALAN CARIASO
PRIMARY EXAMINER